**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE J.B.KOSHY**

**MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929**

**CRL.A.No. 4 of 2003(A)**

**SC.220/2000 OF ADDL. DISTRICT AND SESSIONS COURT, (FAST TRACK (ADHOC - II) KOZHIKODE.**

**.....**

**APPELLANT/ACCUSED:**

**NANU. T.K., S/O. KANNAN, AGED 50 YEARS,**
**THEKKE KOPRENTAVIDA HOUSE,**
**ICE ROAD, BADAGARA-3.**

**BY ADV. SRI.P.M.SAJI,**
**SRI.P.M.MUHAMMED RAHAZ.**

**RESPONDENT/COMPLAINANT:**

**STATE OF KERALA, REPRESENTED BY**
**PUBLIC PROSECUTOR, HIGH COURT OF KERALA,**
**COCHIN. (IN VADAKARA CRIME NO.69 OF 97**
**OF VADAKARA EXCISE RANGE).**

**BY PUBLIC PROSECUTOR.**

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 16/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**J.B.KOSHY, J.**

---

Crl.Appeal No.4 OF 2003

---

Dated 16th July, 2007

**JUDGMENT**

Appellant was found guilty of possessing three bottles of 375 ml. Aristocrat brandy and three bottles of 500 ml. Honeybee brandy. The total quantity seized was only two litres 625 ml. The courts below found that the bottles were transported from Mahe. Since it was seized from a bus, he was punished for violation of Section 55A of the Abkari Act. As per the notification, four and a half litres of Indian Made Foreign Liquor can be possessed by an individual during the time when the liquor was seized. The petitioner was in possession of permissible quantity of liquor. In the above circumstances,, I set aside the conviction and sentence passed on the appellant.

The appeal is allowed.

**J.B.KOSHY**
**Judge**

tks